

FILED

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



OCT 09 2008

CLERK, US DISTRICT COURT, WDNY

UNITED STATES OF AMERICA,

Plaintiff,

DOCKET NO. 08-CR-

v.

ERIC L. SWAIN,

08 CR 300 (S)

Defendant.

REPORT AND RECOMMENDATION

By Order of Judge William M. Skretny dated September 30, 2008, the above case was referred to me, with the consent of the defendant, to take the defendant's plea of guilty and to conduct an allocution pursuant to Rule 11 of the Federal Rules of Criminal Procedure for a Report and Recommendation. The following is my Report and Recommendation as to the defendant's plea of guilty.

On October 9, 2008, the defendant entered a plea of guilty in this case, as set forth in the transcript of the plea proceeding, which is transmitted with this written Report and Recommendation. In accordance with my oral Report and Recommendation at the close of the plea proceeding, it is my Report and Recommendation that the defendant's plea of guilty accords with the requirements of

Rule 11 of the Fed. R. Crim. P. and that Your Honor adjudge the defendant guilty of the offense(s) to which the guilty plea was offered.

SO ORDERED.

DATED: October 9, 2008
Buffalo, New York



H. KENNETH SCHROEDER, JR.
United States Magistrate Judge